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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,848	04/17/2000	Ken Kutaragi	SCEI 17.155	1444
26304	7590	03/08/2004		
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER MCARDLE, JOSEPH M	
			ART UNIT	PAPER NUMBER
			2132	
			DATE MAILED: 03/08/2004 12	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/550,848

Applicant(s)

KUTARAGI ET AL.

Examiner

Joseph McArdle

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2, 3, 7, 11</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 18, line 2 of the specification the applicant refers to "flush memory". The examiner notes that "flush" is intended to be "flash". On page 20, line 16 of the specification the applicant refers to "use software". The examiner notes that "use" is intended to be "used".

Appropriate correction is required.

### ***Claim Objections***

2. Claim 26 is objected to because of the following informalities: On the forth line of the claim the words "information component" are run together. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Yunoki (4837644). In regards to claim 18, Yunoki discloses a design in column 2, lines 44-47

that is directed towards a recording/reproducing apparatus that employs a magnetic disk as a recording medium. This disclosure meets the limitations set forth under claim 18 that call for having a disk recording medium adapted for reproduction by a reproduction device. Yunoki then goes on to disclose a control means in column 2, lines 48-51 that utilizes pulse data associated with the rotation of the disk recording medium. This meets the limitations set forth under claim 18, which call for having pulse data that provides the reproducing device with a pulse sequence. Yunoki further discloses in column 2, lines 52-56 discrimination means that is used to determine the type of data being recorded. Yunoki then goes on to disclose in column 11, line 32-38 that by supplying a control signal, which is synchronous with the pulse data, recording can be achieved. These disclosures meet the remaining limitations set forth under claim 18, which call for having information adapted for verifying the pulse sequence (because if the supplied control signal in Yunoki's design is synchronous with the pulse data (verifying the pulse data with the control signal) then reproduction can be achieved) and also for specifying the type of data that is to be recorded (see column 2, lines 52-56).

5. In regards to claim 19, Yunoki discloses (as mentioned above in the rejection of claim 18) in column 11, line 32-38 that by supplying a control signal, which is synchronous with the pulse data, recording can be achieved. This disclosure meets the first limitation set forth under claim 19, which calls for having a first information component for verifying the pulse sequence because if the supplied control signal in Yunoki's design is synchronous with the pulse data then the recording can be

performed, which corresponds to verifying that the pulse data based upon the supplied control signal. Yunoki also discloses in column 2, lines 52-56 discrimination means that is used to make a determination of the type of data that is being recorded. This meets the second limitation set forth under claim 19, which calls for having a second information component for specifying at least one of software and data because the discrimination means specifies what type of data (image or other) is being recorded.

6. In regards to claim 20, Yunoki discloses in column 1, lines 9-14 that the design is directed towards the recording of digital data. Yunoki then goes on to disclose in column 8, lines 13-15 that a means for identifying the data to be recorded (video or data signal) is required. Yunoki further discloses in column 8, lines 30-62 and in figure 7, a method for determining if the data to be recorded contains a video signal. Yunoki goes on to explain (in the aforementioned location) the different signals that are used to make the determination of what type of data is being recorded. These disclosures meet the limitations set forth under claim 20 because they show how a plurality of signals are used by discrimination means (see column 2, lines 52-56) to make a determination of the type of data that is being recorded.

7. In regards to claim 21, Yunoki discloses a design in column 2, lines 44-47 that is directed towards a recording/reproducing apparatus that employs a magnetic disk as a recording medium. Yunoki then goes on to disclose a control means in column 2, lines 48-51 that utilizes pulse data associated with the rotation of the disk recording medium. This disclosure meets the limitation set forth under claim 21 because the recording

Art Unit: 2132

medium is a magnetic disk and all information associated with the disk would be in the form of magnetic data.

8. In regards to claim 22, Yunoki discloses in column 2, lines 48-51 a control means that utilizes pulse data associated with the rotation of the disk-recording medium.

Yunoki then discloses in column 8, lines 21-26 that the rotation of the disk can be varied according to the type of data that is to be recorded. Yunoki finally discloses in column 11, lines 32-38 that the pulse data can be synchronized with a control signal. These disclosures by Yunoki meet the limitations set forth under claim 22, which call for allowing a reproduction device to control the rotational speed of the disk (column 8, lines 21-26) by making the pulse sequence match the first information unit (column 2, lines 48-51 and column 11, lines 32-38).

9. In regards to claim 23, Yunoki discloses in column 1, lines 9-14 that the design is directed towards the recording of digital data. Yunoki then goes on to disclose in column 8, lines 13-15 that a means for identifying the data to be recorded (video or data signal) is required. Yunoki further discloses in column 8, lines 30-62 and in figure 7, a method for determining if the data to be recorded contains a video signal. Yunoki goes on to explain (in the aforementioned location) the different signals that are used to make the determination of what type of data is being recorded. These disclosures meet the limitations set forth under claim 23 because they show how a plurality of signals are used by discrimination means (see column 2, lines 52-56) to make a determination of the type of data that is being recorded.

10. In regards to claim 24, Yunoki discloses a design in column 2, lines 44-47 that is directed towards a recording/reproducing apparatus that employs a magnetic disk as a recording medium. Yunoki then goes on to disclose a control means in column 2, lines 48-51 that utilizes pulse data associated with the rotation of the disk recording medium. This disclosure meets the limitation set forth under claim 24 because the recording medium is a magnetic disk and all information associated with the disk would be in the form of magnetic data.

11. In regards to claim 25, Yunoki discloses in column 8, lines 21-26 that the rotation of the disk can be varied according to the type of data that is to be recorded. This meets the limitations set forth under claim 25 that call for allowing the reproduction device to change stages of the rotational speed. Yunoki also discloses in column 2, lines 48-51 that pulse data is utilized as a control means associated with the rotation of the disk-recording medium. Yunoki further discloses in column 11, lines 32-38 that by supplying a control signal that is synchronous with the pulse data, recording can be achieved. These disclosures meet the remaining limitations set forth under claim 25, which call for having information to verify the pulse data (which corresponds to the disk rotation) because the aforementioned control signal in Yunoki's design is synchronous with the pulse data whereby ensuring/verifying that the pulse data corresponds to the control signal/information.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yunoki in view of Japanese patent application publication 06-208760 by Ishizawa.

In regards to claim 26, Yunoki discloses in the abstract that the recording/reproduction device comprises a pulse detection means. Yunoki then discloses in column 2, lines 44-51 that the recording/reproduction device samples a pulse (pulse data) corresponding to the rotation of the disk and that this is used as a control means for the recording/reproduction device's erase read/write means. Yunoki further discloses in column 11, lines 32-38 that by supplying a control signal, which is synchronous with the aforementioned pulse data, recording and the like (erasing) can be achieved. These disclosures by Yunoki meet the limitations set forth under claim 26 that call for detecting the pulse data and verifying it with the first information component because if the supplied control signal disclosed in Yunoki's design is synchronous with the pulse data (verifying the pulse data with the control signal) then the data is able to be reproduced or erased (as in the case of erasing the pulse data). However, Yunoki makes no mention of registering the second information component (data/software) with the reproduction device. Ishizawa discloses in paragraph 7 of the translation of the

aforementioned patent application publication that there is a need to provide copyright protection for digital media such as DVDs. Ishizawa then goes on to disclose in paragraphs 13 and 15 of the translation that one such way to provide the aforementioned protection is to have a device ID registration area that allows the digital media (such as DVDs) to be registered with a reproduction device. Ishizawa further discloses in the same location as above that once the digital media (such as DVDs) is registered with the reproduction device, the reproduction device can then reproduce the digital media. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Ishizawa's teachings on the need to protect copyrighted data and Ishizawa's design features relating to registering the digital media (DVDs, disks) with a reproduction device in order to achieve a design that is capable of allowing the second information component (data/software) to be registered with the reproduction device.

14. In regards to claim 27, Yunoki further in column 1, lines 9-14 that the design is directed towards the recording of digital data. Yunoki then goes on to disclose in column 8, lines 13-15 that a means for identifying the data to be recorded (video or data signal) is required. Yunoki further discloses in column 8, lines 30-62 and in figure 7, a method for determining if the data to be recorded contains a video signal. Yunoki goes on to explain (in the aforementioned location) the different signals that are used to make the determination of what type of data is being recorded. These disclosures meet the limitations set forth under claim 27 because they show how a plurality of signals are

used by discrimination means (see column 2, lines 52-56) to make a determination of the type of data that is being recorded.

15. In regards to claim 28, Yunoki further discloses a design in column 2, lines 44-47 that is directed towards a recording/reproducing apparatus that employs a magnetic disk as a recording medium. Yunoki then goes on to disclose a control means in column 2, lines 48-51 that utilizes pulse data associated with the rotation of the disk recording medium. This disclosure meets the limitation set forth under claim 28 because the recording medium is a magnetic disk and all information associated with the disk would be in the form of magnetic data.

16. In regards to claim 29, Yunoki further discloses in column 2, lines 48-51 a control means that utilizes pulse data associated with the rotation of the disk-recording medium. Yunoki then discloses in column 8, lines 21-26 that the rotation of the disk can be varied according to the type of data that is to be recorded. Yunoki finally discloses in column 11, lines 32-38 that the pulse data can be synchronized with a control signal. These disclosures by Yunoki meet the limitations set forth under claim 29, which call for allowing a reproduction device to control the rotational speed of the disk (column 8, lines 21-26) by making the pulse sequence match the first information unit (column 2, lines 48-51 and column 11, lines 32-38).

17. In regards to claims 30 and 34, Yunoki discloses a design in column 2, lines 44-47 that is directed towards a recording/reproducing apparatus, which employs a magnetic disk as a recording medium. Yunoki then goes on to disclose a control means in column 2, lines 48-51 that utilizes pulse data associated with the rotation of the disk

recording medium. Yunoki further discloses in column 2, lines 52-56 discrimination means that is used to determine what type of data is being recorded. These disclosures by Yunoki meet the limitations set forth under claims 30 and 34 that call for having a disk recording medium (see column 2, lines 44-47) that contain at least one of software and data along with pulse data (see column 2, lines 48-51) to provide the reproduction device with a pulse sequence. Yunoki further discloses in column 11, lines 32-38 that by supplying a control signal, which is synchronous with the aforementioned pulse data, recording and the like (erasing) can be achieved. This disclosure by Yunoki meets the limitations set forth under claims 30 and 34 that call for detecting and verifying the pulse data because if the supplied control signal in Yunoki's design is synchronous with the pulse data (verifying the pulse data with the control signal) then the data is able to be reproduced or erased (as in the case of erasing pulse data). However, Yunoki's design makes no mention of determining if the information of the disk recording medium is registered has been registered. Ishizawa discloses in paragraph 7 of the translation of the aforementioned patent application publication that there is a need to provide copyright protection for digital media such as DVDs'. Ishizawa then goes on to disclose in paragraphs 13 and 15 of the translation that one such way to provide the aforementioned protection is to have a device that ID registration area that allows the digital media (such as DVDs) to be registered with a reproduction device. Ishizawa further discloses in the same location as above that once the digital media (such as DVDs) is registered with the reproduction device, the reproduction device can then reproduce the digital media. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to substitute Ishizawa's teachings on the need to protect copyrighted data and Ishizawa's design features relating to registering the digital media (DVDs, disks) with a reproduction device in order to achieve a design that is capable of detecting the pulse sequence when the information of the disk recording medium has not been registered, registering the information of the disk recording medium then it is determined that the pulse data is verified and also for deleting the pulse data of a registered disk recording medium.

18. In regards to claims 31 and 35, Yunoki further discloses in column 2, lines 48-51 a control means that utilizes pulse data associated with the rotation of the disk-recording medium. Yunoki then discloses in column 8, lines 21-26 that the rotation of the disk can be varied according to the type of data that is to be recorded. Yunoki finally discloses in column 11, lines 32-38 that the pulse data can be synchronized with a control signal. These disclosures by Yunoki meet the limitations set forth under claims 31 and 35, which call for allowing a reproduction device to control the rotational speed of the disk (column 8, lines 21-26) by making the pulse sequence match the first information unit (column 2, lines 48-51 and column 11, lines 32-38).

19. In regards to claims 32 and 36, Yunoki further discloses in column 8, lines 21-26 that the rotation of the disk can be varied according to the type of data that is to be recorded. This meets the limitations set forth under claims 32 and 36 that call for allowing the reproduction device to change stages of the rotational speed. Yunoki also discloses in column 2, lines 48-51 that pulse data is utilized as a control means associated with the rotation of the disk-recording medium. Yunoki further discloses in

column 11, lines 32-38 that by supplying a control signal that is synchronous with the pulse data, recording can be achieved. These disclosures meet the remaining limitations set forth under claims 32 and 36, which call for having information to verify the pulse data (which corresponds to the disk rotation) because the aforementioned control signal in Yunoki's design is synchronous with the pulse data whereby ensuring/verifying that the pulse data corresponds to the control signal/information.

20. In regards to claims 33 and 37, Yunoki further discloses in column 11, line 32-38 that by supplying a control signal, which is synchronous with the pulse data, recording can be achieved. This disclosure meets the first limitation set forth under claims 33 and 37, which calls for having a first information component for verifying the pulse sequence because if the supplied control signal in Yunoki's design is synchronous with the pulse data then the recording can be performed, which corresponds to verifying that the pulse data based upon the supplied control signal. Yunoki also discloses in column 2, lines 52-56 discrimination means that is used to make a determination of the type of data that is being recorded. This meets the second limitation set forth under claims 33 and 37, which calls for having a second information component for specifying at least one of software and data because the discrimination means specifies what type of data (image or other) is being recorded.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,646,993 to Aizawa

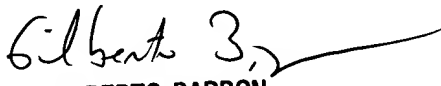
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph McArdle whose telephone number is (703) 305-7515. The examiner can normally be reached on Weekdays from 8:00 am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph McArdle  
Examiner  
Art Unit 2132

jmm

  
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